

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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LEONIDAS BIMENYIMANA AND )  
GREGOIRE NYAMINANI, *et al.*, )  
Petitioner, )  
v. ) Case Nos. 1:09cv721 (TSE/TCB)  
JOSEPH HIGGS, JR., Superintendent, )  
Rappahannock Regional Jail, *et al.*, )  
Respondents. )

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Comes now the Plaintiff, by and through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) files this voluntary dismissal without prejudice, stating as follows:

1. Petitioner Bimenyimana filed a Petition for Writ of Habeas Corpus with this Court on June 30, 2009 in case number 1:09cv721.
2. Petitioner Gregoire Nyaminani filed a Petition for Writ of Habeas Corpus with this Court on July 14, 2009 in case number 1:09cv773.
3. On October 9, 2009, Petitioner Bimenyimana filed a Motion for Consolidation of Cases.
4. On October 28, 2009, Petitioner Bimenyimana and the Respondents filed a Consent Order for Consolidation.
5. At a hearing on November 13, 2009, The Honorable T.S. Ellis, III consolidated the cases of Petitioner Bimenyimana and Petitioner Nyaminani.

6. On November 12, 2009, Respondents filed a Notice of Second Related Case alleging that the Petitions for Writs of Habeas Corpus filed by Petitioners Bimenyimana and Nyaminani related to a Complaint filed by Petitioners Bimenyimana, Nyaminani, and Francois Karake in the United States District Court for the District of Columbia, case number 1:09cv2082 (RMU).

7. At the hearing on November 13, 2009, discussion occurred regarding voluntary dismissal of the case or a stay of the case pending the outcome of the District of Columbia case.

8. At this time, Plaintiff wishes to voluntarily dismiss this case without prejudice.

Respectfully submitted,

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/s/

Ofelia Lee Calderon, VSB 76566  
Attorney for Leonidas Bimenyimana  
Marks, Calderon, Derwin & Racine PLC  
3300 N. Fairfax Drive  
Suite 201  
Arlington, VA 22201  
Tel (703) 248-9000  
Fax (703) 248-0039  
ofelia@mcdrlaw.com

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/s/  
Jeffrey B. O'Toole  
Danya A. Dayson  
O'Toole, Rothwell, Nassau & Steinbach  
1350 Connecticut Avenue, N.W., Suite 200  
Washington, D.C. 20036  
(202) 775-1550

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of November, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

Leslie Bonner McClendon  
United States Attorney's Office  
2100 Jamieson Ave  
Alexandria, VA 22314  
703-299-3700  
[Leslie.mcclendon@usdoj.gov](mailto:Leslie.mcclendon@usdoj.gov)

Gordon D. Kromberg  
United States Attorney's Office  
2100 Jamieson Ave  
Alexandria, VA 22314  
703-299-3700  
[Gordon.kromberg@usdoj.gov](mailto:Gordon.kromberg@usdoj.gov)

Bradley R. Miliauskas  
Alston & Bird, LLP  
950 F Street, NW  
Washington, D.C. 20004-1404  
202-756-3405  
[Bradley.miliauskas@alston.com](mailto:Bradley.miliauskas@alston.com)

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/s/

Ofelia Lee Calderon, VSB 76566  
Attorney for Leonidas Bimenyimana  
Marks, Calderon, Derwin & Racine PLC  
3300 N. Fairfax Drive  
Suite 201  
Arlington, VA 22201  
Tel (703) 248-9000  
Fax (703) 248-0039